

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

NO. 11-cr-20482-01

Plaintiff,

- vs -

Hon. Victoria A. Roberts
United States District Judge

D-1 MARK SAUNDERS,

Defendant.

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GOVERNMENT'S SENTENCING MEMORANDUM

Mark Saunders is before the court for sentencing on his guilty plea to Count Two of the Indictment, the felony of possession with intent to distribute marijuana.

The criminal conduct that forms the basis of this conviction took place in 2009. On July 14, 2009, co-defendant Kevin Callaway delivered two duffel bags of marijuana (total 20 kilograms) to defendant Mark Saunders, who intended to distribute the marijuana in Ohio. The marijuana was seized from Saunders' pickup truck as it was travelling southbound on I-75 toward Ohio.

The parties and the probation department agree that the sentencing guidelines for this offense recommend a term of incarceration of 10-16 months. Under the Rule 11 plea agreement, the court may not impose a sentence of more than 16 months, the top of the guidelines, without rejecting the plea agreement and allowing the defendant an opportunity to withdraw his guilty plea.

SENTENCING FACTORS

The history and characteristics of the defendant

Defendant Saunders is 44 years old, with the offenses taking place when he was 40 years old. Although this is not his first contact with the criminal justice system, his prior conviction for manufacturing/distributing/sale of marijuana (age 28) is sufficiently old so as not to give him criminal history points. The defendant appears to have had the advantage of a stable upbringing, both emotionally and financially.

The need for the sentence imposed (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence; C. to protect the public from further crimes of the defendant; and (D) to provide defendant with appropriate education or vocational training.

The defendant's involvement in a serious drug trafficking scheme is somewhat mitigated by his minor role. He is less culpable than his co-defendant, Kevin Callaway, who supplied the marijuana that Saunders intended to distribute in Ohio.

The kinds of sentences available

Under 21 U.S.C. § 841(a)(1), the maximum sentence is 40 years imprisonment.

The sentencing range established by the United States Sentencing Guidelines

As noted above, the sentencing range is 10-16 months.

The defendant's good faith attempt to cooperate

On February 11, 2010, the defendant gave an initial debriefing with DEA agents as an attempt to provide substantial assistance to the government in the investigation and prosecution of others involved in the criminal offenses. Additional efforts followed, but despite the efforts of the DEA and the defendant, other individuals involved in this offense were not able to be charged with related criminal offenses. While the defendant's actions were not sufficiently fruitful to result in a motion for downward departure based on substantial assistance, the ongoing efforts with the

agents to investigate others partially explain the delay between the date of the offenses and the resolution of this case. The defendant's attempt to cooperate is a factor that should be taken into account in fashioning an appropriate sentence.

Respectfully Submitted,

BARBARA L. MCQUADE
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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2013, I caused a copy of the foregoing to be served on all counsel of record using the Court's ECF filing system.

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